

COTTONWOOD HEIGHTS

ORDINANCE NO. 179

AN ORDINANCE AMENDING CHAPTER 3.20 (DEVELOPMENT BONDS), COTTONWOOD HEIGHTS CODE OF ORDINANCES

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, the Council met in regular session on 23 August 2011 to consider, among other things, amending Chapter 3.20 ("*Chapter 3.20*") of the Code to, *inter alia*, revise the legal requirements for performance guaranties to the City in connection with private development activities, and other matters; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 3.20 of the Code as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amended Chapter 3.20.** The Council hereby amends Chapter 3.20 of the Code as shown on the attached exhibit, which shows deletions to current Chapter 3.20 ~~struck through~~, and additions to current Chapter 3.20 underlined:

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 179 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

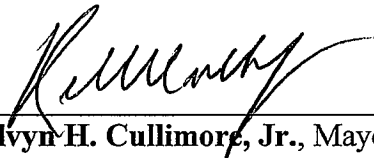
Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

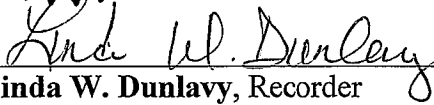
Section 5. **Effective Date.** This Ordinance, assigned no. 179, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 23rd day of August 2011.

COTTONWOOD HEIGHTS CITY COUNCIL



By 
Kelvyn H. Cullimore, Jr., Mayor


Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
E. Nicole Omer	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 23rd day of August 2011.

POSTED this 24 day of August 2011.

565643.1

Chapter 3.20

DEVELOPMENTPUBLIC WORKS BONDS

Sections:

3.20.010 Bond processing.

3.20.020 Form of bond.

3.20.030 Bond review and approval requirements.

3.20.040 Monitoring of construction progress.

3.20.050 Release of bonds.

3.20.060 Bond administration fee.

3.20.070 Inspection fee.

3.20.080 Reinspection fee.

3.20.010 Bond processing.

The city's community development department ~~office~~ shall complete and process all bonds required to be filed with the city by developers or other persons to guarantee proper installation of improvements required under the city's highway, flood control, building inspection, zoning, fire protection, excavation, ~~or subdivision or similar ordinances~~. The community development director may direct staff to complete and process any additional bonds hereafter required by the city.

3.20.020 Form of bond.

Notwithstanding anything in this code to the contrary, any bond required to be filed with the city to assure proper completion of required improvements to real property, whether under this title or any other title of this code, shall be a cash bond, an escrow agreement, or an irrevocable letter of credit, all in such form as the city may require. In no event may a surety bond be used in substitution for a cash bond, escrow agreement or irrevocable letter of credit. The bond shall be in an amount reasonably specified by the city to assure

actual construction of the bonded improvements or other work.

3.20.030 Bond review and approval requirements.

The completed bond shall be forwarded to the city attorney's ~~office~~ for review as to form, sufficiency and manner of execution. The city attorney's ~~office~~ shall then forward the bond to the subdivision bonds to the city council for formal acceptance, and shall forward all other bonds to the community development director or his designee for acceptance. Upon such acceptance, favorable action by the city council or the community development director (or his designee), as applicable, the bond shall be filed with and thereafter monitored by the community development department (or its designee), and ~~thereafter monitored by the community development department~~.

Field C

3.20.040 Monitoring of construction progress.

The community development department shall monitor the progress of construction of the bonded improvements to insure compliance with the construction schedule and sequence approved by the city for the completion of such improvements. It shall be the responsibility of the bond applicant or his authorized agent to call for all required inspections. The city may require all work on the bonded project to stop if construction of the bonded improvements deviates in any way from the approved plan. Any deviation from the approved plan must be approved in writing by all of the city's departments, divisions and service providers affected by the deviation.

3.20.050 Release of bonds.

The community development department shall recommend release of the

bonded amount upon receiving written notice from all of the affected city departments, divisions and providers certifying that the bonded improvements have been satisfactorily completed in accordance with applicable standards; provided, however, that ~~25%~~~~twenty-five percent~~ of the total bonded amount for public improvements such as curb, gutter, sidewalks, roads, flood control systems, fire hydrants and fire protection lines (among others) shall be retained for a period of one year (or such longer period as may be specified in this code) after completion of such improvements to guarantee against defects.

3.20.060 Bond administration fee.

Any person filing a performance bond with the city to guarantee completion of improvements for a conditional use, a permitted use, a non-regular subdivision where no plat must be recorded, a road dedication, or ~~this otherwise under the city's building code~~, shall pay a fee ~~of as specified in the city's consolidated fee schedule one hundred dollars~~ to the community development department for the administration of such bond. Such fee shall be paid in full prior to the city's acceptance of any such bond.

3.20.0970 Inspection fee.

-Any person requesting the city to inspect bonded improvements for the purpose of a partial bond release or other reduction in the bonded amount shall pay an inspection fee ~~of as specified in the city's consolidated fee schedule one hundred dollars~~ to the community development department at the time such inspection is requested. Partial releases of improvement bonds shall be subject to section 3.20.050 ~~of this chapter 3.20~~ and any other applicable

policies of the community development department.

3.20.080 Reinspection fee.

If a final inspection is requested and the city's inspector determines that the bonded improvements have not been satisfactorily completed, any person thereafter requesting the city to reinspect the bonded improvements for the purpose of obtaining a full or partial bond release shall pay a fee ~~of as specified in the city's consolidated fee schedule one hundred dollars~~ for each required reinspection at the time the reinspection is requested.

553698.2